

REMARKS

Claims 1 to 63 were pending in the application at the time of issuance of the advisory action. The restriction requirement and the objection to the specification were maintained. Claims 1, 2, 4 to 6, 16, 17, 19 to 21, 31, 32, 34 to 36, 46, 47 and 49 to 51 remain rejected as anticipated. Claims 3, 7, 18, 22, 33, 37, 48 and 52 remain rejected as obvious. The status of the provisional obviousness-type double patenting rejections was not indicated in the advisory action.

With respect to the restriction requirement, Applicant presented new evidence in the response to the final action that further demonstrated that the basis for the rejection was not well founded. Nevertheless, the advisory action summarily dismissed this evidence as being previously addressed. While Applicant's conclusion is the same, the new evidence further supports Applicant's position and should be considered. Applicant respectfully requests such consideration.

With respect to the continued objection to paragraph [0015], Applicant yet again respectfully submits that the statement:

The process can be implemented as instructions executed by such hardware, hardware alone, or any combination thereof.

is correct and understandable. The statement indicates that the process can be implemented as: (a) instructions executed by such hardware, (b) hardware alone, or (c) any combination thereof. The advisory action does not address the substance of Applicant's remarks that use of hardware alone to implement a process is known, as is implementing the same process by executing instructions on hardware, as is implementing part of the process using hardware alone and another part by executing instruction on hardware. The

prior response pointed out the basic issues in determining which combination to use.

The advisory action instead of addressing these facts disputed whether a processor was hardware. Using an operating system on a processor in changing high level computer instructions to computer instructions of a form that can be directly executed by the processor does not change the fact that the processor executes instructions that result in implementation of the process whether it be compiling, assembling, translating or the process of this invention.

"Processor" is commonly used as a shorthand for a central processing unit and is commonly known to execute instructions. A simple search of the patent database turns up thousands of issued patents that use a processor in this way. Applicant should not be forced to submit a 132 declaration to address what is common knowledge and what appears specifically in more than thirty issued patents. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0015].

Claims 1, 4, 5, 16, 19, 20, 31, 34, 35, 46, 49, and 50 have been amended to more clearly recite the encoding schemes. The specification includes multiple examples of dispatch tables that support the amendments by providing the recited opcode value encoding schemes.

Claims 1, 2, 4, 16, 17, 19, 31, 32, 34, 46, 47 and 49 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2004/0003264, hereinafter referred to as Zeman.

The random replacement of bytes by Zeman with one byte instructions from a replacement list fails to teach or suggest anything about a plurality of instruction set opcode encoding schemes where each of said instruction set opcode value encoding schemes uses a different opcode value encoding for an entry corresponding to the at least one instruction opcode value. Random replacement fails to teach or suggest the specific plurality recited in these

claims. Moreover, randomly selecting bytes teaches away from the plurality recited in these claims that each includes an entry for the instruction opcode value. Therefore, Zeman fails to anticipate these claims. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 16, 31 and 46.

The rejection asserted that the dependent claims were asserted as being patentable based only on dependency. This is incorrect, Applicant provided specific reasons why Claims 2, 17, 32 and 47 distinguished over Zeman for reasons in addition to those given above for the independent claims. The prior remarks will not be repeated but are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 2, 17, 32 and 47.

With respect to the rejection of Claims 4, 19, 34 and 49, the above comments with respect to Claim 1 are applicable and are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 4, 19, 34 and 49.

Claim 5, 6, 20, 21, 35, 36, 50 and 51 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. No. 6,694,435 hereinafter referred to as Kiddy.

The advisory action did not address the continuing traverse of the rejection of Claims 5, 20, 35, and 50. Accordingly, Applicant does not know why Applicant's remarks were not persuasive.

Applicant respectfully continues to traverse the anticipation rejection of each of Claims 5, 20, 35, and 50. Kiddy fails to teach the invention in the same level of detail as recited in these claims and in particular fails to teach the plurality of opcode value encoding schemes. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 5, 20, 35, and 50.

Applicant respectfully traverses the anticipation rejection of each of Claims 6, 21, 36 and 51. Each of these claims distinguishes over Kiddy at least for the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 6, 21, 36 and 51.

Claims 3, 7, 18, 22, 33, 37, 48 and 52 remain rejected under 35 U.S.C. 103(a). Each of Claims 3, 7, 18, 22, 33, 37, 48 and 52 distinguish over the combination of references for at least the same reasons as the independent claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 3, 7, 18, 22, 33, 37, 48 and 52.

Since the provisional obviousness type double patenting rejections were not addressed in the advisory action, Applicant has no basis for further comment and assumes that these rejections have been withdrawn in view of Applicant's prior remarks, because otherwise the record is incomplete.

Claims 1 to 63 remain in the application. Claims 1, 4, 5, 16, 19, 20, 31, 34, 35, 46, 49, and 50 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 19, 2008.



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February 19, 2008
Date of Signature

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